



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1329 Fax: (207) 439-6806

## Background Notes

July 11, 2011

Kittery Town Council  
Regular Meeting Agenda  
6:00 p.m.  
(Note Start Time)

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Executive Session

(070111-1) In accordance with 1 M.R.S., §405 (6) (A), the Kittery Town Council moves to hold an executive session to conduct the Manager's annual evaluation.

7. Acceptance of Previous Minutes – 6/13/11 & 6/20/11
8. Interviews for the Board of Appeals and Planning Board

Planning Board (to fill one position until 11/30/12):

- Susan Tuveson (**Please see enclosed application of the applicant who will be present for her interview. There are no other active applicants in the Planning Board pool**)

9. PUBLIC HEARINGS

a. (070111-2) The Kittery Town Council moves to hold a public hearing and hereby ordains an ordinance authorizing a lease purchase of HVAC System upgrades for Traip Academy, 12 Williams Avenue, Kittery, to be adopted in the form presented, contingent upon satisfactory compliance with statutory obligations and review, and approval of the contractual agreement by the ordinance review committee. **Please see the enclosed materials on this issue.**

10. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Chairperson's response to public comments

11. UNFINISHED BUSINESS

a. (020111-11) The Kittery Town Council moves to approve and authorizes corrections to be made on typographical errors in Title 8 which was ordained on June 13, 2011. **Please see the enclosed Report to Council.**

- b. other

12. NEW BUSINESS

a. (070111-3) The Kittery Town Council moves to approve a renewal application from Divine Cuisines, LLC, 9 Cook Street, for a Malt and Vinous Liquor License for Tulsi, 2 Government Street. **Please see the enclosed application. Inspections have been made and meet code.**

b. (070111-4) The Kittery Town Council moves to adopt the 2011 Kittery Community Emergency Checklist Plan and the York County Hazard Mitigation Plan, by resolution, and authorizes its Chairperson to sign the Promulgation Statement required by FEMA. **Please see the enclosed Report to Council.**

c. (070111-5) The Kittery Town Council moves to approve a replacement project for the Frisbee Wharf in an amount not to exceed \$353,231 to be funded by a five-year municipal lease-purchase loan, contingent upon Port Authority execution with the Town of a memorandum of agreement, as presented. **Please see the enclosed Report to Council.**

d. (070111-6) The Kittery Town Council moves to schedule a date to hold a public hearing in accordance with Sec. 6.09 (4) of the Kittery Town Charter to transfer appropriations between accounts and carry forward requests. **This is the annual process used to resolve previous budget year transfers to balance the year end which represents FY'11 and to carry forward funds into the FY'12 budget that are needed to finish FY'11 projects, to cover any remaining outstanding invoices or to make FY'11 purchases that were not made during the budget year. July 25, 2011 is recommended for the Hearing.**

e. (070111-7) The Kittery Town Council moves to schedule a date to hold a public hearing in accordance with Sec. 6.09 (1) of the Kittery Town Charter, to appropriate a sum to be determined, but not to exceed \$125,000 from unencumbered surplus, for the purpose of balancing out accounts for FY' 2010-11. **This is the annual process used to resolve previous budget year transfers to balance the year end which represents FY'11 if insufficient funds are not remaining within the FY'11 to do so. Funds would if allowed by Council, be available from unappropriated surplus following the hearing. July 25, 2011 is recommended for the Hearing.**

f. (070111-8) The Kittery Town Council moves to schedule a Public Hearing to release FY'11 grant match funds in the amount of \$70,000 to be put into account #790-43600 for carry forward purposes (1) \$10,000 for the BIG grant match and (2) \$60,000 for the Replacement Frisbee Pier, as payment for the first year of the lease purchase. **Town Council, during several meetings on the KPA issues on Pepperrell Cove have indicated interest in using funds up to \$70,000 from the FY'11 Grant Match Fund for the purpose stated in the above motion. Access to these funds are following a Public Hearing. July 25, 2011 is recommended for the Hearing.**

g. (070111-9) The Kittery Town Council moves to approve the disbursement warrants.

h. (070111-10) The Kittery Town Council moves to appoint Maryann Place as Acting Town Manager from August 15<sup>th</sup> – 25<sup>th</sup> during the Town Manager's absence. **The Town Manager will be away during above dates and the Town Manager recommends the appointment of the Town Clerk, who is willing, to be the acting Town Manager during that period.**

i. (070111-11) The Kittery Town Council moves to appoint Herbert Kingsbury to the Conservation Commission until 5/31/14. **The applicant has been favorably interviewed by Councilor Beers.**

j. (070111-12) The Kittery Town Council moves to schedule a public hearing on amending Title 4 Boards Commissions and Committees to repeal Section 4.4 Cable TV Rate Regulation Board and to repeal Title 7 Cable Television. **A verbal presentation will be presented by the ORC regarding this recommendation. July 25, 2011 is recommended for the Hearing.**

k. (070111-12) The Kittery Town Council moves to schedule a public hearing on the adoption of a new Title 7 Cable Television. **A verbal presentation will be presented by the ORC regarding this recommendation. July 25, 2011 is recommended for the Hearing.**

l. (070111-13) The Kittery Town Council moves to set the FY'12 full-time non-union employees compensation increase at .75% **Please see the enclosed Report to Council on this issue.**

m. (070111-14) The Kittery Town Council moves to establish the Fire Chief's pay range from \$45,000 to \$60,000 and to set his FY'12 stipend at \$50,000. **Please see the enclosed Report to Council on this issue.**

n. (070111-15) The Kittery Town Council moves to set the FY'12 Town Manager compensation increase at .75% and to amend his employment contract to reflect that increase. **Please see the enclosed Report to Council on this issue.**

o. other

13. COUNCILOR ISSUES OR COMMENT

14. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

b. Town Manager's Report - Report on 6/27 Workshop –Shoreland Resource Officer

c. Committee Reports

15. ADJOURNMENT

Posted: July 7, 2011